

SECTION VIII ADMINISTRATION

VIII.A. Authority

1. The Board shall be the administrative agency of these regulations and shall have all the powers assigned them by Section 81A to GG of Chapter 41 of the General Laws.
2. The Board may assign as their agents appropriate Town agencies or officials and may from time to time hire professional assistance to review plans and inspect improvements at the cost of the subdivider (See Section VIII.C.3.).
3. The Board on its own motion or on the petition of any interested person shall have the power to modify, amend, or rescind its approval of a Plan of a subdivision, or to require a change in a Plan as a condition of its retaining the status of an approved Plan.

VIII.B. Waiver of Compliance

Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and-not inconsistent with the intent of the Subdivision Control Law. In waiving strict compliance the Board may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived. The Town Engineer may approve minor revisions to the construction plans.

VIII .C. Inspection

1. Inspection shall be carried out at appropriate times during development of the subdivision as described in Section VII.S. and in the Subdivision Inspection Checklist (Form L). The subdivider shall notify the Town Engineer at least 48 hours before carrying out each operation to be inspected.
2. The Board may make arrangements with a professional person or firm to carry out such inspection in behalf of the Town.
3. The costs of inspection shall be borne by the subdivider and the inspection fee shall be established by the Planning Board, based on a set fee per linear foot of street, measured along the center line, on an approved definitive plan and shall be paid to the Town Treasurer prior to endorsement of the Definitive Plan.
4. The developer has the responsibility to insure that the approved construction plans are implemented. Use of qualified persons to furnish adequate and timely engineering supervision during construction is required. Surveillance

and field revisions by Town officials cannot be construed as fulfilling this responsibility.

VIII.D. Separability

If any section, paragraph, sentence, clause, or provision of these Regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these Regulations shall be deemed to remain valid and effective.

VIII.E. Amendments

These Regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board after a public hearing, on its own motion or by petition.

VIII.F. Invalidation by State Law

Any part of these Regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law, and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulations.

VIII.G. Forms

On the following pages are sample forms for the administration of these Regulations. The administrative content of these forms may revised from time to time by administrative action of the Board apart from Section VIII.E. Copies of these forms may be obtained from the Town Clerk.

VIII H Enforcement

The enforcement of the provisions of these Regulations, or any approval or condition of approval granted by the Planning Board under the provisions of these Regulations may be enforced by the Planning Director, Senior Planner or Associate Planner, by non-criminal complaint pursuant to the provisions of Chapter 40, Section 21D. The fine for any violation disposed of through this procedure shall be one hundred dollars (\$100.00) for each offense. Each day such violation continues shall be deemed a separate offense and each provision of the Regulations or subdivision approval that is violated shall constitute a separate offense.

VIII.I. Additional References (not included herein)

State Sanitary Code

Massachusetts Department of Public Health

Rules and Regulations

Board of Health, Amherst, Massachusetts

Standard Specifications for Highways and Bridges

Massachusetts Department of Public Works

American Association of State Highway Officials (AASHO)

Test Designation T99 (Method C)

Town of Amherst Site Work and Construction Standards

Land Court Manual of Instructions for Land Surveys

Massachusetts Engineering Department

Recommended Standard Specifications for Planting trees,

Shrubs, and Vines, and Fine Grading and Seeding Lawns

The Associated Landscape Contractors of Massachusetts, Inc.

Standards of the American Nurseryman Association

The Hatch Act, General laws, Chapter 131, Section 40 and Current Amendments

Leopold, Luna, and others, A Procedure for Evaluating Environmental Impact,

Geological Survey Circular, 645, U.S. Geological Survey, Washington, DC